

(c) Medical reports from the attending physician are to be submitted directly to the Office. However, the employing agency may request copies of these reports from the Office.

[52 FR 10506, Apr. 1, 1987]

CLAIMS FOR COMPENSATION

§ 10.105 Time for perfecting a claim for compensation.

(a) Claim for disability compensation. An injured employee is required to file a written claim for compensation within 3 years after the injury before compensation may be paid. If, however, the official superior had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation may be allowed regardless of whether a written claim was made within 3 years after the injury. Actual knowledge must be such as to put the official superior reasonably on notice of an on-the-job injury.

(b) *Claim for death compensation.* If the employee dies, a written claim for compensation by or on behalf of the survivors is required before compensation may be paid. This claim is to be filed within 3 years after the death, unless within 30 days of such death, the official superior had actual knowledge of the death, due to an employment related injury or disease or written notice of such death was given to the official superior within 30 days of such death. The timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.

(c) *Claim predicated upon a latent disability.* In a case of latent disability, or death due to a latent disability, the time for filing a claim does not begin to run until the employee has a compensable disability or dies and is aware or his survivors are aware, or by the exercise of reasonable diligence should have been aware, of the casual relationship of the compensable disability or death to the employment. In such a case, the time for giving notice of injury or death begins to run when the employee is aware or the survivors are aware, or by the exercise of reasonable diligence should have been aware that the employee's condition or death is

casually related to his or her employment, whether or not there is a compensable disability or death.

(d) The time limitations described in this section do not begin to run against a minor until such minor reaches 21 years of age or has had a legal representative appointed; or run against an incompetent individual while such individual is incompetent and has no duly appointed legal representative; or run against any individual whose failure to comply is excused by the Secretary of Labor on the ground that notice could not be given because of exceptional circumstances.

(e) If no claim is filed by an injured employee or by someone acting on the employee's behalf prior to his or her death, the right to claim compensation for disability other than medical expenses ceases and does not survive.

[40 FR 6877, Feb. 14, 1975, as amended at 52 FR 10507, Apr. 1, 1987]

§ 10.106 How to file a claim for disability compensation.

(a) Whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 calendar days or has a permanent impairment or serious disfigurement as described in 5 U.S.C. 8107, the official superior shall furnish the employee with Form CA-7 for the purpose of claiming compensation and shall advise the employee of his or her rights under the Act.

(b) The employee, upon termination of wage loss if the period of wage loss is less than 10 calendar days, or at the expiration of 10 calendar days from the date pay stops if the period of wage loss will be 10 calendar days or more, should file Form CA-7 with the Office or with any person designated by the Office to receive claims. The employee's official superior is so designated to receive claims on behalf of the Office. The employee, or someone acting on the employee's behalf, must complete the front of Form CA-7 and, unless special circumstances require otherwise, submit the form to the official superior for completion and transmission to the Office. The employee is responsible for submitting, or arranging for the submission of, medical evidence in support

of the claim. Form CA-20 is attached to Form CA-7 for this purpose.

(c) Upon receipt of Form CA-7 from the employee (or from someone acting on the employee's behalf), the official superior shall complete the appropriate portions of the claim form. As soon as possible, but not later than 5 working days after its receipt from the employee, the official superior shall forward the completed Form CA-7 and any accompanying medical report to the Office.

(Approved by the Office of Management and Budget under control number 1215-0103)

[52 FR 10507, Apr. 1, 1987]

§ 10.107 Application for augmented compensation.

(a) While the employee has one or more dependents as defined in 5 U.S.C. 8110, the employee's basic compensation for wage loss as provided in section 8105 or 8106(a), or for permanent impairment as provided in section 8107(a), shall be augmented as provided in section 8110. Form CA-7 includes an application for such augmented compensation.

(b) Augmented compensation payable while an employee has an unmarried child as defined by 5 U.S.C. 8110, which would otherwise terminate because the child reaches the age of 18, may be continued while the child is a student as defined by the Act and in § 10.5(a)(25) of this part.

(c) The Office may require an employee to submit an affidavit or statement as to any dependents, or to submit necessary supporting documentation such as birth or marriage certificates or court orders, in the manner and at the times the Office specifies, in order to determine the employee's entitlement to augmented compensation. If an employee when required, fails within 30 days of the date of the request to submit such affidavit, statement, or supporting documentation the employee's right to augmented compensation otherwise payable shall be suspended until such time as the requested affidavit, statement, or supporting documentation is received, at which time augmented compensation will be reinstated retroactive to the date of suspension provided the em-

ployee is entitled to such augmented compensation.

(d) An employee entitled to or receiving augmented compensation shall promptly notify the Office of any event which would terminate the employee's continued entitlement to augmented compensation. Any checks or payments received after such event shall be returned to the Office as soon as possible. Where augmented compensation is paid by the Office beyond the date entitlement terminated, the Office shall make proper adjustment and any difference between actual entitlement and the amount already paid is an overpayment of compensation and may be recovered pursuant to 5 U.S.C. 8129 and other appropriate statutes.

[52 FR 10507, Apr. 1, 1987]

§ 10.108 How to file an original claim for death benefits.

An original claim for death benefits may be filed by any survivor of a deceased employee (see section 8133 of the Act) or any other person acting on behalf of such survivor. Form CA-5 is provided by the Office for this purpose, and should be executed as provided therein. An original death claim may be filed by delivering a completed Form CA-5 to the Office, or to any person designated by the Office to receive such claim. The deceased employee's former official superior is so designated to receive such claims on behalf of the Office, and the person claiming benefits should submit the claim to such former official superior, unless special circumstances require a different procedure. The official superior shall, when it is practicable, furnish to all persons likely to be entitled to compensation for death of an employee, a Form CA-5 or CA-5b with information as to the use of the form for making claim for compensation and procedure in respect of filing such form. The furnishing of assistance in preparing such form or in obtaining evidence relating to the claim shall be without charge by the official superior. Any claim or paper purporting to claim compensation on account of death, submitted to the deceased employee's former official superior, shall be transmitted promptly to the Office.